

DELEGATION OF AUTHORITY

DATE: 8/5/2009

SOLID WASTE DISPOSAL ACT

8-9-B. Administrative Enforcement: Agency Representation
in Hearings and Signing of Consent Agreements

1. PURPOSE AND LEGAL AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 8-9-B issued by EPA Headquarters on May 11, 1994.

B. Authority. To:

- (1) represent the Agency in administrative enforcement actions conducted under the Solid Waste Disposal Act (SWDA) and 5 U.S.C. Section 554;
- (2) negotiate consent agreements between the Agency and respondents resulting from such enforcement action;
- (3) initiate an appeal from an administrative determination;
- (4) represent the Agency in such appeals; and
- (5) sign consent agreements between the Agency and respondents resulting from such enforcement action.

2. TO WHOM DELEGATED.

A. The Director, Office of Environmental Stewardship (OES).

B. The Director, OES, further redelegates this authority as follows:

- (1) The functions in 1.B.(1) and 1.B.(4) are delegated to Agency attorneys as designated by the Manager, Regulatory Legal Unit, OES.
- (2) The function in 1.B.(2) is delegated to Agency attorneys as designated by the Manager, Regulatory Legal Unit, OES, or appropriate OES technical program staff as designated by the Manager, Regulatory Legal Unit, OES, in consultation with the Manager, RCRA, EPCRA and Federal Programs Unit, OES.
- (3) The function in 1.B.(3) is delegated to the Manager, Regulatory Legal Unit, OES.

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(4) The function in 1.B.(5) is delegated to the Manager, Legal Enforcement Office,
OES.

3. REDELEGATION AUTHORITY.

- A. The functions in 1.B.(1), 1.B.(2), 1.B.(3) and 1.B.(4) may not be redelegated.
- B. The functions in 1.B.(5) may be redelegated to the Section Chief level or equivalent.

4. LIMITATIONS.

- A. This authority may only be exercised after the alleged violator either files an answer or fails to file an answer.
- B. Delegates may exercise this authority only for those cases initiated by the Region.
- C. The Manager, Regulatory Legal Unit, OES, must consult with the Assistant Administrator for Enforcement and Compliance Assurance prior to initiating an appeal.
- D. The delegates shall consult with the Regional Counsel, or his/her designee, on significant counseling issues.
- E. Prior to exercising the authority in 1.B.(5), the Manager, Legal Enforcement Office, OES, or his/her designee, shall consult with the Manager, Regulatory Legal Unit, OES, or his/her designee.
- F. This authority may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

5. ADDITIONAL REFERENCES.

- A. Sections 3001(b)(3)(B)(iv) and 3008 (except 3008(h)) of SWDA; 40 CFR 22.
- B. See the Chapter 8 Delegation entitled, "Administrative Enforcement - Corrective Action: Agency Representation in Hearings and Signing of Consent Agreements."

ENVIRONMENTAL PROTECTION AGENCY
REGION I - BOSTON

CLASS. NO. 1200
DELEGATION NO. 8-9-B

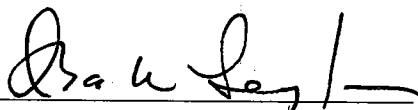
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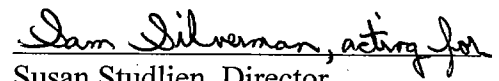
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6. SUPERSESSON. Region 1 Delegation of Authority 8-9-B, dated November 6, 2000.


Ira W. Leighton
Acting Regional Administrator


Susan Studlien, Director
Office of Environmental Stewardship

8/5/09
Date

7-29-09
Date

